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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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November 27, 1995

VIA FACSIMILE TRANSMISSION

Ms. Laura B. Ahearn, Esq.
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037

Re: United States v. Pesses, et al., Civ. A. No. 90-0654;
Metcoa Radiation Site Draft EE/CA Administrative Record

Dear Laura,

Due to my absence from the office from Tuesday, November 21 through Friday, November 24, 1995, I received your correspondence dated November 21st and November 24th this morning. This letter is a response to those letters, which request an opportunity to review specific documents in the administrative record supporting the Draft Engineering Evaluation/Cost Analysis for the Metcoa Radiation Site.

As anticipated in my memo dated November 3, 1995, and stated in my letter dated November 20, 1995, since Monday, November 13th, the administrative record supporting the Draft Engineering Evaluation/Cost Analysis for the Metcoa Radiation Site has been available for review at EPA's office in Philadelphia, PA and also in Pulaski, PA. To the extent that you would like to immediately review the documents described in the index, I believe that the "most expeditious way" for any person to review this record would be for that person to visit the Superfund Administrative Record Room in EPA, Region III's offices in Philadelphia, PA. If you are able to give me advance notice of at least one business day, I will try to make myself available to escort you, or your representative, to this room; I will also, to the extent possible, make myself available to respond to any questions you, or your representative, may have. In the alternative, please feel free to contact Ms. Anna Butch at 215-597-3037 for an appointment; Ms. Anna Butch is the supervisor in charge of this administrative record room.

If you would prefer me to provide you with copies of documents identified in the above correspondence (or any additional documents), please let me know and I will try to have such copies made and sent to you within a week of your conveyance

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of such preference to me. Based upon the number and volume of the documents you have currently requested, I anticipate that it will take approximately a week to have such documents copied and sent to you.

With respect to your attempted identification of documents using only the index to this administrative record, I can appreciate how difficult it is to try to determine what specific information is provided in any one document solely based upon the index. The purpose of the index is solely to provide a very general guide of the type of information provided in the record; it is not intended as a complete description of any single document. If you are interested in a specific type of information, I strongly suggest you review the documents themselves.

I believe you will find documents specifically relating to the analytical report, regarding the analysis of five composite soil samples for total cadmium and TCLP cadmium, to be bates-stamped numbered 100452-100564 and generally referred to by item number 49 of the index. The description provided for item number 49 in the index includes a misleading date of 10/31/95. This date is stamped on the memo carrying the bates-stamp number 100452. This memo also carries a typed date of August 16, 1995. I do not know who stamped the date of October 31, 1995 on this document or why such date was stamped on this document. I also do not know why the date of "10/31/95", rather than August 16, 1995, was included in the index. I apologize for any confusion this entry in the index has caused. I will seek to have the index description corrected prior to releasing the administrative record supporting the final EE/CA for this Site. To the extent that you identify any clerical errors in the index, I would appreciate you bringing such errors to my attention or Jeff Dodd's attention.

Finally, I strongly urge you, other members of the Generator Defendant Group, consultants to the Generator Defendant Group, or any other person interested in completing a "meaningful" review of the draft EE/CA to review the administrative record supporting this document. As you are aware, this administrative record has been available for the past two weeks and will remain available until Thursday, December 14, 1995. If I can be of further assistance, please feel free to call me.

Sincerely,

Kathleen J. Root

Kathleen J. Root
Sr. Assistant Regional Counsel

c.c.: Catherine Rojko, Esq. (via facsimile transmission)
Environmental Enforcement Section
Department of Justice

Jeff Dodd, OSC (via pouch mail)
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